



Notice of proposal to make a Property Factor Enforcement Order made under Section 19(2)(a) of the Property Factors (Scotland) Act 2011 (“the Act”) following upon a Decision of the Homeowner Housing Committee in an application under Section 17(1) of the Act

HOHP Ref: HOHP/PF/13/0328

Re: Property at 39 Fidra Avenue, Burntisland, Fife KY3 0BE

The Parties:

Mrs Fiona Webster, 39 Fidra Avenue, Burntisland, Fife KY3 0BE (‘the homeowner’) and

Collinswell Land Management Limited, incorporated under the Companies Acts (SC301684) and having a place of business at Collinswell House, Aberdour Road, Burntisland, Fife KY3 0AE (‘the property factor’)

Committee members: George Clark (chair) and Carolyn Hirst (housing member)

This document should be read in conjunction with the Committee’s Decision under Section 19(1)(a) of the Act of the same date.

The Committee proposes to make the following Property Factor Enforcement Order (“PFEO”):

“Within 4 weeks of the communication to the property factor of the PFEO, the property factor shall (1) issue to all homeowners within the development a written Statement of Services relative to the development, which fully complies with the Property Factors (Scotland) Act 2011 Code of Conduct for Property Factors, and confirm to the Homeowner Housing Panel that this has been done; (2) provide confirmation in writing to the homeowner that the property factor is holding in the homeowner’s payment of £140 and those of the other

owners in the development in a separate account and confirmation of the number of properties within the development in respect of which the property factor holds such sums; (3) issue to the homeowner a personal written apology for the e-mail which was sent to her on 13 February 2014; and (4) pay to the homeowner the sum of £100 by way of compensation for the upset caused to the homeowner by the e-mail of 13 February 2014.”

Section 19 of the Act provides as follows:

“... (2) *In any case where the committee proposes to make a property factor enforcement order, they must before doing so...*

(a) give notice of the proposal to the property factor, and

(b) allow the parties an opportunity to make representations to them.

(3) If the committee are satisfied, after taking account of any representations made under subsection (2)(b), that the property factor has failed to carry out the property factor’s duties or, as the case may be, to comply with the section 14 duty, the committee must make a property factor enforcement order...”

The intimation of the Committee’s Decision and this notice of proposal to make a PFEO to the parties should be taken as notice for the purposes of section 19(2) (a) of the Act and parties are hereby given notice that they should ensure that any written representations which they wish to make under section 19(2) (b) of the Act reach the Homeowner Housing Panel’s office by no later than 14 days after the date that the Decision and this notice is intimated to them. If no representations are received within that timescale, then the Committee is likely to proceed to make a property factor enforcement order (“PFEO”) without seeking further representations from the parties.

Failure to comply with a property factor enforcement order may have serious consequences and may constitute an offence.

George Clark

Chairperson Signature 

... Date 21 August 2014